

(Mr. PADILLA) was added as a cosponsor of amendment No. 2455 intended to be proposed to H.R. 3684, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

#### AMENDMENT NO. 2460

At the request of Mr. LUJÁN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 2460 intended to be proposed to H.R. 3684, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. DURBIN (for himself and Mr. CORNYN):

S. 2598. A bill to amend title 11, United States Code, to improve the treatment of student loans in bankruptcy, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2598

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Fostering Responsible Education Starts with Helping Students Through Accountability, Relief, and Taxpayer Protection Through Bankruptcy Act of 2021” or the “FRESH START Through Bankruptcy Act”.

#### SEC. 2. EXCEPTIONS TO DISCHARGE.

Section 523(a) of title 11, United States code, is amended by striking paragraph (8) and inserting the following:

“(8) for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution, or for an obligation to repay funds received as an educational benefit, scholarship, or stipend received from a governmental unit or nonprofit institution, unless—

“(A) excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor’s dependents; or

“(B) the first payment on such debt became due before the 10-year period (exclusive of any applicable suspension of the repayment period) ending on the date of the filing of the petition;

“(8A) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor’s dependents, for—

“(A) an obligation to repay funds received as an educational benefit, scholarship, or stipend, other than an obligation described in paragraph (8); or

“(B) any educational loan, other than a loan described in paragraph (8), that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of 1986, incurred by a debtor who is an individual;”.

#### SEC. 3. EFFECT OF DISCHARGE OF CERTAIN STUDENT LOANS.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

“(n)(1) In this subsection:

“(A) The term ‘cohort repayment rate’, with respect to a covered institution of higher education, means the percentage of student borrowers who are making at least some progress paying down their student loans within 3 years of entering repayment.

“(B) The term ‘covered institution of higher education’ means an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) that—

“(i) is a participant in the Federal Direct Loan Program under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.); and

“(ii) has an enrollment of students that is not less than 33 percent students who have received a loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(C) The term ‘covered student loan’ means the original principal of a loan—

“(i) the first payment on which became due before the 10-year period (exclusive of any applicable suspension of the repayment period) ending on the date of the filing of the petition; and

“(ii) used by the debtor to make a payment to a covered institution of higher education on behalf of the debtor for the purpose of attaining an educational benefit.

“(D) The term ‘Federal Direct PLUS Loan’ means a Federal Direct PLUS Loan under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.)

“(2) If a covered student loan is discharged in a bankruptcy case under this title, the covered institution of higher education to which the debtor of the bankruptcy case made a payment with the covered student loan shall pay to the Department of Education an amount determined in accordance with the following:

“(A) An amount equal to 50 percent of the amount of the covered student loan that is discharged, if the covered institution of higher education, on the date on which the first payment on the covered student loan became due—

“(i) had a cohort default rate (as determined under section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)) for each of the 3 fiscal years preceding that date that was equal to or more than 25 percent; and

“(ii) had a cohort repayment rate—

“(I) except for borrowers described in subclause (II), that was equal to or less than 20 percent; and

“(II) with respect to borrowers who were graduate or professional students who received a Federal Direct PLUS Loan for enrollment at the institution, that was equal to or less than 35 percent.

“(B) An amount equal to 30 percent of the amount of the covered student loan that is discharged, if the covered institution of higher education, on the date on which the first payment on the covered student loan became due—

“(i) had a cohort default rate (as determined under section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)) for each of the 3 fiscal years preceding that date that was equal to or more than 20 percent and less than 25 percent; and

“(ii) had a cohort repayment rate—

“(I) except for borrowers described in subclause (II), that was equal to or less than 25 percent and more than 20 percent; and

“(II) with respect to borrowers who were graduate or professional students who re-

ceived a Federal Direct PLUS Loan for enrollment at the institution, that was equal to or less than 40 percent and more than 35 percent.

“(C) An amount equal to 20 percent of the amount of the covered student loan that is discharged, if the covered institution of higher education, on the date on which the first payment on the covered student loan became due—

“(i) had a cohort default rate (as determined under section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)) for each of the 3 fiscal years preceding that date that was equal to or more than 15 percent and less than 20 percent; and

“(ii) had a cohort repayment rate—

“(I) except for borrowers described in subclause (II), that was equal to or less than 30 percent and more than 25 percent; and

“(II) with respect to borrowers who were graduate or professional students who received a Federal Direct PLUS Loan for enrollment at the institution, that was equal to or less than 45 percent and more than 40 percent.”.

#### SEC. 4. EFFECTIVE DATE; APPLICABILITY.

This Act and the amendments made by this Act shall—

(1) take effect on the date that is 180 days after the date of enactment of this Act; and

(2) apply to a petition filed or amended under this title on or after the effective date under paragraph (1) with respect to a debt for an educational benefit, overpayment, loan, scholarship, or stipend of a debtor.

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 336—DESIGNATING SEPTEMBER 15, 2021, AS “INTERNATIONAL MYOTONIC DYSTROPHY AWARENESS DAY” AND SUPPORTING THE GOALS AND IDEALS OF INTERNATIONAL MYOTONIC DYSTROPHY AWARENESS DAY

Mr. KAINE (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 336

Whereas myotonic dystrophy is a rare, multi-systemic, inherited disease that affects approximately 1 in 2,100 people and a total of 150,000 individuals in the United States;

Whereas there are well over 1,000,000 people living with myotonic dystrophy globally, yet thousands of people do not know they have the disease and are in need of care;

Whereas myotonic dystrophy is the most common form of adult muscular dystrophy and the symptoms of myotonic dystrophy become more severe with each generation;

Whereas the disease is caused by mutations in the DMPK gene and the CNBP gene, resulting in myotonic dystrophy type 1 and myotonic dystrophy type 2, respectively;

Whereas those mutations prevent the DMPK gene and the CNBP gene from functioning properly, impacting multiple body systems;

Whereas the genetic mutations are autosomal dominant mutations, where a single copy of the altered gene is sufficient to cause the disorder, and affected individuals have a 50 percent chance of passing on the mutated gene to their children;

Whereas, through this inherited genetic anomaly, individuals with myotonic dystrophy experience varied and complex symptoms, including skeletal muscle problems,

excessive daytime sleepiness, early cataracts and heart, breathing, digestive, hormonal, speech, swallowing, diabetic, immune, vision, and cognitive difficulties;

Whereas myotonic dystrophy is a highly variable and complicated disorder in which the younger an individual is when symptoms first appear, the more severe symptoms are likely to be, with progressively more severe symptoms occurring after the earlier symptoms are experienced;

Whereas misdiagnoses of myotonic dystrophy have persisted for decades, and delays in diagnosing myotonic dystrophy are common;

Whereas there are currently no treatments for myotonic dystrophy approved by the Food and Drug Administration;

Whereas, in 2007, the Myotonic Dystrophy Foundation was founded with a mission to enhance the quality of life of people living with myotonic dystrophy and to accelerate research focused on finding treatments and a cure;

Whereas, in 2014, Congress reauthorized the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2014 (Public Law 113-166; 42 U.S.C. 201), which increased muscular dystrophy research funding and public health surveillance activities, including for myotonic dystrophy;

Whereas, in September 2017, recognizing the seriousness of myotonic dystrophy and the especially disabling impact of myotonic dystrophy on individuals with congenital myotonic dystrophy, the Social Security Administration added congenital myotonic dystrophy to the Compassionate Allowances program that allows individuals to quickly qualify for disability benefits, including health insurance coverage;

Whereas, in 2018, Congress added myotonic dystrophy to the list of eligible conditions for research funding under the Peer Reviewed Medical Research Program of the Department of Defense, which resulted in more than \$6,000,000 in new research awards;

Whereas funding for myotonic dystrophy research supported by the National Institutes of Health remained flat between 2010 and 2020 with the agency awarding \$24,000,000 in research grants in fiscal year 2020; and

Whereas increased Federal funding for myotonic dystrophy research will improve health outcomes, reduce disability, and increase life expectancy for individuals living with myotonic dystrophy and holds great promise for helping individuals with similar genetic diseases: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 15, 2021 as “International Myotonic Dystrophy Awareness Day”; and

(2) supports the goals and ideals of International Myotonic Dystrophy Awareness Day, including—

(A) committing to promoting and advancing the health, well-being, and inherent dignity of all children and adults with myotonic dystrophy;

(B) supporting the advancement of scientific and medical myotonic dystrophy research at the National Institutes of Health and as part of the Peer Reviewed Medical Research Program of the Department of Defense;

(C) fostering biopharmaceutical innovation that will lead to treatments approved by the Food and Drug Administration and eventually a cure for myotonic dystrophy;

(D) advancing programs and policies that assist individuals disabled by myotonic dystrophy and the caregivers of those individuals; and

(E) encouraging awareness and education of myotonic dystrophy among patients, caregivers, clinicians, and researchers.

Mr. Kaine. Mr. President, myotonic dystrophy is a rare, multi-systemic, progressive, inherited disease that affects successive family generations but is often misdiagnosed. Affecting as many as 1 in 2,100 individuals, myotonic dystrophy is the most common form of adult muscular dystrophy. However, there is currently no cure and there are no Food and Drug Administration (FDA) approved treatments.

Today, I am pleased to introduce the first ever U.S. Senate resolution designating September 15th as International Myotonic Dystrophy Awareness Day. The resolution will help to highlight the devastating generational impact of this disease, focus global attention on accelerating drug discovery, and work to advance healthcare for our community.

Caused by an inherited genetic anomaly, individuals with myotonic dystrophy experience varied and complex symptoms, from locked muscles, to heart, breathing, digestive, hormonal, and cognitive difficulties. It is not uncommon for older family members to only be tested following the birth of an affected child, and despite the availability of simple genetic tests, misdiagnoses can persist for decades.

The different body systems affected, the severity of symptoms, and the age of onset of those symptoms varies greatly between individuals, even within the same family. Many of these individuals live with debilitating symptoms yet in the majority of situations, they never receive adequate or proactive medical care which could dramatically improve their quality of life.

More research is desperately needed to change this reality. Virginia-based researchers are among the global leaders working to better understand myotonic dystrophy and discover new treatments and a cure. Much of this work is being led by researchers at Virginia Commonwealth University (VCU) and supported by Virginia advocates.

The Resolution calls for the advancement of scientific and medical myotonic dystrophy research at the National Institutes of Health and as part of the Peer Reviewed Medical Research Program of the Department of Defense; fostering biopharmaceutical innovation that will lead to treatments approved by the FDA and eventually a cure for myotonic dystrophy; advancing programs and policies that assist individuals with disabilities caused by myotonic dystrophy and the caregivers of those individuals; and encouraging awareness and education of myotonic dystrophy among patients, caregivers, clinicians, and researchers.

I urge my colleagues on both sides of the aisle to see the Resolution designating September 15th as International Myotonic Dystrophy Awareness Day as an opportunity to raise awareness for this devastating disease and to promote and advance the health, well-being, and inherent dignity of all chil-

dren and adults with myotonic dystrophy. I ask for their support.

#### SENATE RESOLUTION 337—RECOGNIZING THE ANNIVERSARY OF THE EXPLOSION AT THE PORT OF BEIRUT ON AUGUST 4, 2020, AND EXPRESSING SOLIDARITY WITH THE LEBANESE PEOPLE

Mrs. SHAHEEN (for herself and Mr. RUBIO) submitted the following resolution; which was referred to the Committee on Foreign Relations:

##### S. RES. 337

Whereas, on August 4, 2020, an estimated 2,750 tons of ammonium nitrate detonated at the Port of Beirut, killing more than 200 people, injuring more than 7,500, displacing an estimated 300,000, and causing an estimated \$4,600,000,000 in property damage;

Whereas reports suggest that the ammonium nitrate that detonated in the blast had been confiscated from the MV Rhosus, an abandoned cargo ship, in 2014 and had been unsafely stored at the Port of Beirut despite warnings of the risks posed by the stockpile from multiple customs and security officials in successive governments;

Whereas, in addition to the 300,000 estimated to be displaced by the blast, Lebanon also hosts 1,500,000 refugees from conflicts in Syria, Iraq, and the Palestinian Territories;

Whereas, the United Nations estimates that 3,200,000 Lebanese nationals and refugees are in need in Lebanon, including 3,000,000 people in need of health assistance and 2,300,000 people in need of food and agricultural assistance;

Whereas the people of Lebanon face what the World Bank has described as a “deliberate depression” and an economic crisis compounded by the explosion at the Port of Beirut and impasse of governance;

Whereas the World Bank projects that more than half of the population of Lebanon lives in poverty in 2021 and 25 percent lives in extreme poverty;

Whereas the World Bank estimates that inflation increased from 10 percent in January 2020 to 120 percent in August 2020 while, according to the Central Administration of Statistics for Lebanon, food prices rose 402 percent between December 2019 and December 2020;

Whereas, 3 days after the explosion on August 4, 2020, the United States Agency for International Development activated a Disaster Assistance Response Team (“DART”) and stood up a Response Management Team (“RMT”) to coordinate the response of the United States Government, which included—

(1) \$15,100,000 to support emergency food and health response activities;

(2) \$10,500,000 to the World Food Program (“WFP”) in order to reach 300,000 people affected by the explosions;

(3) coordination at an international donors conference, raising an additional \$298,000,000 in assistance;

(4) an airlift of emergency health kits containing critical medical commodities sufficient to support up to 60,000 people for 3 months; and

(5) supporting the Office of the UN High Commissioner for Refugees (“UNHCR”) to provide primary and secondary health care services to vulnerable individuals, including in response to the COVID-19 pandemic;

Whereas, 1 year after the explosion, domestic Lebanese investigations into the blast have been stalled and no answers have been provided to the Lebanese public;

Whereas, on August 10, 2020, the Lebanese government referred the Beirut explosion to